

ccrisostomoplea

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Attorneys for the United States of America

IN THE UNITED STATES DISTRICT COURT  
FOR THE TERRITORY OF GUAM

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
vs.  
  
CRIS B. CRISOSTOMO,  
  
Defendant.

CRIMINAL CASE NO. 07-00094

AMENDED  
PLEA AGREEMENT

Pursuant to Rule 11(c)(1)(B), the United States and the defendant, CRIS B.  
CRISOSTOMO, enter into the following plea agreement:

1. The defendant, CRIS B. CRISOSTOMO, agrees to enter a guilty plea to Count I of an  
Information charging him with Entering Military, Naval or Coast Guard Property, with the intent  
to violate 5 Guam Code Annotated, Sections 63121 and 63125, as assimilated by Title 18 United  
States Code Sections 1382, 7(3) and 13.

Counts II and III will be dismissed after sentencing.

2. The defendant understands that the maximum sentence for Entering Military Property  
in violation of 18 U.S.C. 1382 as a misdemeanor as specified in 18 U.S.C. §§ 1382 is  
imprisonment for not more than six months and a maximum fine of \$5000.00, together with any

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DISTRICT COURT OF GUAM

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JEANNE G. QUINATA  
Clerk of Court

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Clerk of Court

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**ORIGINAL**

1 restitution as the court may order, and a \$10 special assessment fee. The total of \$10 special  
2 assessment fee must be paid upon sentencing. The government will recommend that defendant  
3 receive a fine of \$500.00, and credit for time served, if any.  
4

5 3. If defendant is financially unable to immediately pay the fine in full, defendant agrees  
6 to make a full disclosure of his financial status to the United States Attorney's Office by  
7 completing a Financial Disclosure Form (OBD-500) for purpose of fixing a monthly payment  
8 schedule. Defendant understands that, by law, interest accrues on any remaining balance of the  
9 debt.  
10

11 4. The defendant understands that to establish a violation of Entering Military Property, a  
12 violation of Title 18, United States Code, Sections 1382, 7(3) and 13, the government must prove  
13 each of the following elements beyond a reasonable doubt for each count:

14 First, that on February 12, 2007, the defendant ~~entered~~ <sup>knowingly</sup> entered certain military property, more  
15 specifically Andersen AFB, Guam;

16 Second, the defendant ~~entered Andersen AFB with the intention of hunt unlawfully;~~ <sup>made this entry for a purpose prohibited by law or</sup>  
17 lawful regulation;

18 Third, the defendant intended to hunt unlawfully; and

19 Fourth, that the locality in which the crime was committed was on land acquired or  
20 reserved for the use of the United States and under exclusive or concurrent jurisdiction thereof.

21 5. The government and the defendant stipulate to the following facts for purposes of the  
22 sentencing:

23 a. The defendant was born on May 4, 1960, and is a citizen of the United States.

24 b. That on February 12, 2007, the defendant CRIS B. CRISOSTOMO entered Andersen  
25 AFB, Guam at approximately 9:00 p.m., it was dark. That CRIS B. CRISOSTOMO was  
26 accompanied by JOEY G. CRISOSTOMO AND WAYNE G. CRISOSTOMO. That the  
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1 defendant knew the property he was entering belonged to the United States Air Force and he  
2 entered with the intention of hunting unlawfully.

3 c. The defendant understands that notwithstanding any agreement of the parties, the  
4 United States Probation Office will determine an appropriate sentencing range. The defendant  
5 acknowledges that should there be discrepancies in the final sentencing range, projected by his  
6 counsel or any other person, such discrepancy is not a basis to withdraw his guilty plea.  
7

8 6. The defendant agrees to waive any right to appeal or to collaterally attack this  
9 conviction. The defendant reserves the right to appeal the sentence actually imposed in this case.  
10

11 7. The defendant acknowledges that he has been advised of his rights as set forth below  
12 prior to entering into this plea agreement. Specifically, defendant has been fully advised of, has  
13 had sufficient opportunity to reflect upon, and understands the following:

14 a. The nature and elements of the charge and the maximum possible penalty provided by  
15 law;  
16

17 b. His right to be represented by an attorney;

18 c. His right to plead not guilty and the right to be tried by a jury and at that trial, the right  
19 to be represented by counsel, the right to confront and cross-examine witnesses against him, and  
20 the right not to be compelled to incriminate himself, that is, the right not to testify;  
21

22 d. That if he pleads guilty, there will not be a further trial of any kind on the charges to  
23 which such plea is entered so that by entering into this plea agreement, he waives, that is, gives  
24 up, the right to a trial;

25 e. That, upon entry of a plea of guilty, or thereafter, the Court may ask him questions  
26 about the offenses to which he has pled, under oath, and that if he answers these questions under  
27

1 oath, on the record, his answers may later be used against him in prosecution for perjury or false  
2 statement if an answer is untrue;

3 f. That he agrees that the plea agreement is voluntary and not a result of any force, threats  
4 or promises apart from his plea agreement;

5 g. That he reads, writes and speaks the English language and has no need for an  
6 interpreter;

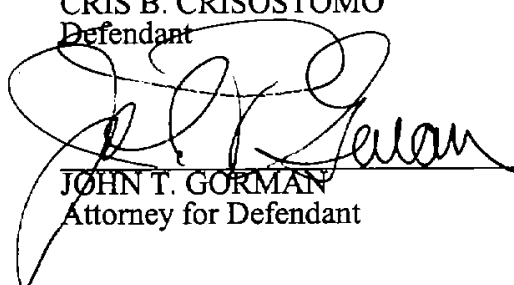
7 h. That he has read the plea agreement and understands it; and

8 i. The Defendant is satisfied with the representation of his lawyer and feels that his  
9 lawyer has done everything possible for his defense.  
10  
11

12  
13 DATED: 20 Nov. 07

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CRIS B. CRISOSTOMO  
Defendant

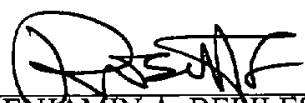
15  
16 DATED: 11/20/07

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JOHN T. GORMAN  
Attorney for Defendant

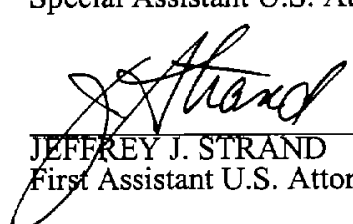
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19 LEONARDO M. RAPADAS  
United States Attorney  
Districts of Guam and NMI

20  
21 DATED: 11/21/07

22 By:

23   
BENJAMIN A. BELILES  
Special Assistant U.S. Attorney

24 DATED: 11/21/07

25   
JEFFREY J. STRAND  
First Assistant U.S. Attorney  
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